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Concluding observations on the third periodic report of the Republic of Moldova

Addendum

Information received from the Republic of Moldova on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Information on the implementation of the specific recommendations of the Concluding observations on the third periodic report of the Republic of Moldova (CCPR/C/MDA/CO/3), provided in accordance with the rule 71, paragraph 5 of the Human Rights Committee Rules of Procedure

Paragraph 10

The State party should:

(a) Adopt promptly a new national human rights action plan on the basis of consultations with all relevant stakeholders;

(b) Allocate sufficient human and financial resources to ensure the effective implementation of the former and new plans;

(c) Ensure that the implementation of the former and new plans is reviewed and evaluated regularly.

1. The new National Human Rights Action Plan for the period 2018–2022 (hereinafter NHRAP 2018–2022, the Action Plan) was approved on May 24, 2018 by Parliament Decision No. 89. The Action Plan is the third public policy document aimed at implementing and promoting human rights in the Republic of Moldova, preceded by two similar documents for the periods of 2004–2008 and 2011–2014.

2. The document is primarily based on the recommendations accepted by the Republic of Moldova following the second cycle of the Universal Periodic Review of the UN Human Rights Council (October 2016), as well as recommendations and observations formulated in respect to our country by UN monitoring bodies, the Council of Europe, the OSCE and other international organizations. In September 2015, the Republic of Moldova and 192 other UN member states committed themselves to implement the Sustainable Development Agenda 2030, endorsed by the Declaration on the Sustainable Development Summit, held in New York. Accordingly, the Sustainable Development Objectives included in the Agenda 2030 were also taken into account when drafting the Action Plan.

3. The NHRAP 2018–2022 was drafted by a Working Group established under the auspices of the Ministry of Justice, by Order of the Minister of Justice No. 1056 of November 18, 2016. The Working Group comprised members of the civil society, foreign partners, donor organizations and representatives of the public authorities. The complexity of the drafting process of the policy document has led to the division of the Working Group into thematic subgroups, identified according to the areas of intervention related to the recommendations of the international mechanisms. The draft of the document has been repeatedly subject to extensive public consultation process. The document was expertised by the Council of Europe prior to its submission to the Government.

4. NHRAP 2018–2022 was approved on the first instance by Government Decision No. 1018 of November 28, 2017 and registered in the Parliament on December 1, 2017 under No. 366. At the Parliament level, the document was examined by all standing committees, being under the control of the Committee for human rights and inter-ethnic relations. It was adjusted according to the latest recommendations of the UN Committee on the Elimination of Racial Discrimination (CERD), the UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Committee Against Torture (CAT), formulated as a result of the latest reviews undergone by the Republic of Moldova during 2017.

5. The actions included in NHRAP 2018–2022 are grouped into fifteen (15) areas of intervention: 1. Harmonization of the national regulatory framework with international standards; 2. the national justice system; 3. preventing and combating trafficking in human beings; 4. transparency, access to information and freedom of expression; 5. non-discrimination and equality; 6. gender equality and domestic violence; 7. the right to education; 8. the right to the highest standard of physical and mental health; 9. the right to work and social protection; 10. The rights of the child; 11. The rights of young people; 12. The rights of the elderly; 13. The rights of persons with disabilities; 14. The rights of

persons belonging to national minorities; 15. Respect for human rights in the localities on the left bank of the Dniester River.

6. The National Human Rights Action Plan for the period 2018–2022 is oriented towards supporting public authorities in reshaping the policy-making process at central and local level in order to ensure their focus on the needs of the population as well as take into account the obstacles encountered by vulnerable minority and minority groups in realizing their fundamental rights. A priority of the drafting process was the proper evaluation of the expected changes or expected effects out of the capacity to achieve increased human rights standards.

7. Subsequently, in order to implement the Parliament Decision No. 89/2018 as well as to achieve one of the objectives of the National Action Plan for the implementation of the Moldova – EU Association Agreement for the period 2017–2019[1], a draft normative act is being currently promoted by the Ministry of Justice, dedicated to establish a national mechanism for the coordination of the implementation of human rights policy documents, their monitoring and evaluation, the implementation of international human rights treaties to which the Republic of Moldova is also a part as well as observe on the compliance with the commitments assumed at the international level. The coordination mechanism is proposed to be established in two levels. 1. At the level of strategic intersectoral central coordination – under a National Human Rights Council, that will monitor the implementation of the human rights policy of the state, as well as international treaties in the field. In order to ensure interaction with the local authorities, it is foreseen to establish local Council structures that will develop local plans and programs on the implementation of national policy documents in the field of human rights. 2. At the technical level – under a Permanent Secretariat for Human Rights with the status of division/service within the State Chancellery, it will ensure the executive's activity and will serve as a contact point between the Council and implementing local public authorities. The draft of the Government Decision on the National Human Rights Council and the Permanent Secretariat for Human Rights is currently pending to be examined by the Government.

8. According to the aforementioned Parliament Decision, The National Human Rights Council annually, by 1st of April, will report to the Parliament on the level of implementation of the National Action Plan on Human Rights for 2018–2022. The permanent control over the implementation of the Plan will be exercised by the Committee for human rights and inter-ethnic relations of the Parliament.

Paragraph 24

The State party should take urgent action to:

(a) Revise its laws and practices on forced detention on the grounds of mental or intellectual disability, with a view to ensuring that detention is applied, if at all, as a measure of last resort and for the shortest appropriate period of time, and that the existence of a disability shall never in itself justify a deprivation of liberty;

(b) Promote psychiatric care aimed at preserving the dignity of patients, both adults and minors, and ensure that non-consensual use of psychiatric treatment is generally prohibited and applied, if at all, in exceptional cases as a measure of last resort where absolutely necessary for the benefit of the person concerned, provided that he or she is unable to give consent, for the shortest possible time and without any long-term impact;

(c) Protect persons with disabilities from further abuse and ill-treatment, including by adopting a comprehensive, effective and independent monitoring system in all residential institutions and psychiatric hospitals;

[1] Government Decision No. 1472 of December 30, 2016 on the approval of the National Action Plan for the implementation of the EU-Moldova Association Agreement for the period 2017–2019.

(d) Conduct prompt, impartial and thorough investigations into all allegations of abuse and ill-treatment by persons with disabilities, hold the perpetrators to account and provide effective remedies to victims;

(e) Ensure that women with disabilities are able to enjoy their right to sexual and reproductive health, including by repealing legislation that allows for the non-consensual termination of pregnancy.

9. Following the ratification of the UN Convention on the Rights of Persons with Disabilities (hereinafter the Convention), by Law No. 166 of July 9, 2010 the Republic of Moldova has committed to develop and promote policies in the field of social inclusion of people with disabilities, as well as to adjust the national legal framework to the international standards. On March 30, 2012 the Parliament adopted the Law No. 60 on social inclusion of persons with disabilities which provides for the protection of the rights of all persons with disabilities equal to other citizens in: social area, health care, rehabilitation, education, work, public life, physical environment, transport, information and communication technologies as well as ensure access to other public utilities and services.

10. Subsidiary, were drafted and proposed relevant amendments both to the Civil Code and other legislative acts to adjust the national legal framework to the guarantees provided for by Article 12 of the Convention. By Law No. 66 of April 13, 2017, amendments to 16 (sixteen) normative acts were adopted in order to reform the legal status of adults and minors with disabilities and organize measures to protect them. Among these, amendments have been introduced to the Law No. 1402 of December 16, 1997 on mental health in order to restrict cases when placement and release from the medical institution is made impartial to the will of the person with mental disabilities[2]. According to the current provisions, adult and emancipated individuals can obtain protection in the case of diminishing their personal, physical or mental faculties, in two forms: contractual (extrajudicial) and judicial measures.

11. The urgent need to improve the procedures on investigating and solving criminal cases involving persons presenting signs of mental disorders and those for which are sufficient grounds to apply a preventive measure depriving them of liberty, has led to the initiative to draft amendments to the Criminal Procedure Code. By Order of the Minister of Justice No. 811 of October 9, 2017 an inter-institutional Working Group[3] was settled up in

[2] Article 27. Grounds for inpatient hospitalization in psychiatry:

(1) The grounds for hospitalization in the psychiatric station may serve psychological disorders, the decision of the psychiatrist to perform the examination or treatment under stationary conditions or the court decision.

(3) Hospitalization in the psychiatric station, except in the cases provided by art. 28, shall be at the request or with the free consent of the person.

(4) The minor may be hospitalized at the psychiatric station at the request or with the free consent of the parents or other legal representative.

(4^1) The request for hospitalization in the psychiatric station may be filed on behalf of the person suffering from psychiatric disorders by the trustee mandated by a future protection mandate if the mandate expressly so provides.

(4^2) If the person is provisionally or cleanly guarded and his/her condition does not allow him/herself to take a decision on the internment, the temporary protector or the curator, when filing the application for hospitalization at the psychiatric unit, will assist the respective person by countersigning the application, according to the law. In the case of guardianship, the request for hospitalization in the psychiatric station is signed by the guardian.

(4^3) In the cases provided for in paragraph (4^1) and (4^2) it is forbidden to place the person suffering from mental disorders if the admission is contrary to the wishes expressed by him / her. When identifying the wishes of a person in respect of whom a protection measure is in place, the presence of the person facilitating their establishment (the trusted person) is mandatory. A trusted person is any person freely chosen by the person suffering from mental disorders. In the absence of choice, the trusted person shall be designated by the Community Mental Health Center.

[3] The inter-institutional Working Group represented by the General Prosecutor's Office, the Ministry of Health, Labor and Social Protection, the Clinical Psychiatric Hospital, the Center of Forensic Medicine, the General Police Inspectorate, the National Prison Administration and judges. The

order to examine the existent lack of legislation and propose for a legal formula so to ensure the correct and uniform application of the criminal procedure law, at the stage of criminal investigation and examination within court, in cases when investigated person raise doubts about their mental health status, solve issues related to the placement of the prevented in the psychiatric institutions where their forced treatment is necessary to be ensured.

12. The drafted amendments establishes an effective mechanism to allow for a clear determination of the procedure of forced placement in psychiatric institutions of persons suffering from psychiatric disorders and on which are grounds for applying preventive arrest or who are under preventive arrest. The current legal framework does not establish the entire procedure by which the forced person is hospitalized in a psychiatric institution, the criteria and the term for which the person is deprived of liberty. Furthermore, currently there is no psychiatric institution adapted to the detained persons. Under these circumstances, a new version of art. 490 Criminal Procedure Code is proposed, with provisions on:

- The actions of the competent bodies in cases of the accuser's investigation, the defendant, which meet the criteria for applying a preventive measure depriving the liberty, but to which there is an assumption justified by written evidence and/or verbal statements of authorized persons regarding the existence of a mental disorder, at an acute stage, or that leads to inappropriate or violent behaviour;
- The total period of forced placement in the psychiatric institution, which may not exceed 12 months. Forced detention in a psychiatric institution is ordered for a maximum of 30 days and each extension cannot exceed this term;
- The grounds for revoking respective measure.

13. According to the draft law, the forced placement of a person in a psychiatric institution can be applied only if the circumstances provided by art. 28 of the Law No. 1402/1997 on mental health are met, which makes impossible to place person under arrest. Thus, the grounds provided by art. 28 of the Law No. 1402/1997 are: a) the direct social danger; b) seriously injury to his/her health if he/she is not given psychiatric assistance.

14. It is also proposed to complete the Criminal Procedure Code with a new Article 308[1], which will regulate the entire procedure by which the person is forced to enter a psychiatric institution.

15. In order to ensure the rights of the person who is subject of criminal proceedings, clear and predictable regulations on the procedural law are proposed, as well as the right of the defender to be informed about the application of the measure. The situations in which the subject concerned or its defender is unable to get acquainted with the case have been also regulated. Therefore, before the hearing starts, they are given sufficient time to consult the matter. The draft contains provisions on the timing of the action, which may not exceed 12 hours from the moment of the evidence that the mental state does not allow the person to be detained, as well as the time frame for the court in examining the procedure.

16. Having in mind that the doubts about the existence of psychiatric disorders can be attested even at the stage of person's detention, it is proposed to fill in the art. 167 CPC with a new paragraph (7), which will determine the actions to be taken by the body that applied detention, namely the immediate order to make a medical or forensic finding, but not later than 12 hours from the moment of detention.

17. Since the forced placement of a person in a psychiatric institution is a deprivation of liberty, the proposed amendments aim to ensure all the guarantees in this respect, *mutatis mutandis* being applied to the specific safeguards of deprivation of liberty. The draft law on amending and completing the Criminal Procedure Code has been consulted with all relevant authorities and submitted recently to the Government for the approval.

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project was also supported by the Office of the People's Advocate and the Community Center for Mental Health Botanica district.

18. In order to ensure the rights of persons with disabilities to live independently and safeguard their integration into society, minimum quality regulations and standards were developed and approved on the organization and functioning of several types of social services, including: social service "Protected home", social service "Community House", social service "Mobile Team", social service "Personal Assistance", social service "Breathe", social service "Family Placement for Adults" etc.

19. According to Government Decision No. 1263 of November 18, 2016 on the approval of the Regulation on the organization and functioning of the National Social Assistance Agency (NSAA), the NSAA manages, coordinates and monitors the activity of social assistance and rehabilitation/recovery institutions. The Ministry of Health, Labour and Social Protection (MHLSP) is the NSAA legal founder. Currently, residential institutions subordinated to the NSAA are institutions providing high specialization social services to their beneficiaries, adapted to the special needs and particularities of individual development, social protection through the provision of social-medical services, temporary placement, care, nourishment, clothing and footwear, occupational therapy, cultural activities, kinetotherapy, health care etc. All residential social assistance institutions hold organizational and operational regulations, approved by Orders of the Minister of Labour, Social Protection and Family (currently MHLSP – Order No. 204 of November 1, 2016 and Order No. 220 of November 28, 2016), according to which the rights of all beneficiaries in the institutions are ensured.

20. At the same time, the beneficiaries are obliged to become familiar with and comply to the provisions of the internal regulation of the institution. The rights and obligations of the beneficiaries are set out in the service contract, signed by the manager of the institution and the beneficiary/family members/his/her legal representative.

21. In order to streamline the administrative framework on protection against violence, neglect and exploitation of beneficiaries of social institutions for children and adults, by Order No. 150 of September 11, 2015 of the Minister of Labour, Social Protection and Family (currently – MHLSP) were approved the rules of procedure "for the examination of suspected cases of violence, neglect and exploitation of the beneficiaries of the placement institutions subordinated to the Ministry" (MHLSP). According to the respective regulation, the employees and beneficiaries of social assistance institutions are required to notify the administration of any suspected cases of violence, neglect and exploitation of the beneficiaries, the administration of the institution shall be obliged to ensure the registration of the notifications of suspected cases of violence, neglect and exploitation of the beneficiaries. Also, the administration of the institution is obliged to notify the competent bodies to examine the notification (by informing as well the MHLSP/National Social Assistance Agency) and, if necessary, to initiate an internal investigation in order to examine the circumstances of the case, providing subsequently written reports to the MHLSP/National Social Assistance Agency on the results of the investigation. In case of violence, abuse, mistreatment or neglect, the victims receive psychological counseling and/or, in case it is requested, are hospitalized with subsequent treatment according to the state of health.

22. According to the provisions of the Framework Regulation on the organization and functioning of the psycho-neurological institution for adults with mental disabilities, approved by Order No. 204 of November 1, 2016 of the Minister of Labour, Social Protection and Family (currently MHLSP), the institution is required to provide protection to beneficiaries against violence, neglect and exploitation, but also to provide an efficient system for receiving, recording and settling complaints regarding the services offered in the institution, according to the legislation. The administration of residential institutions encourages and supports beneficiaries to report any form of abuse by staff, other beneficiaries in the institution, or outside the institution. For this purpose, in all residential institutions are installed postal boxes (to which only the postman in the locality has access), and special boxes for filing complaints.

23. In cases of violence, neglect, exploitation of children in the institutions where children are placed, the staff (or any other person) is obliged to act according to the provisions of the Instructions on the intersectoral cooperation mechanism for identification, evaluation, referral, assistance and monitoring of children victims and potential victims of

violence, neglect, exploitation and traffic, approved by the Government Decision No. 270 of April 8, 2014.

24. The Law No. 140/2013 assigns child protection competencies to: mayors of villages or cities – at the community level (local guardianship authorities) and to sections/departments of social assistance and family protection – at the districts level (territorial guardianship authorities). The guardianship authorities must take all the required measures to provide assistance and support to children and their families to prevent child separation from the family or, where applicable, to (re)integrate the child in the family.

25. The guardianship authorities can only decide upon the child's placement in cases when the assessment shows that it is not possible to maintain the child with their parents or this is against the child's interest. In order to prevent the abusive separation of children and their placement in residential institutions, any placement procedure can be performed by the territorial guardianship authority only with the positive endorsement of the Commission for the protection of the child in difficulty (Gate-keeping Commission). In cases of child separation from the family, the territorial guardianship authority performs the child's placement procedure giving priority to the placement in an affinity family, in case this is not possible, to the placement in family-type services.

26. In line with the minimum quality standards, service providers must ensure the participation of the child and, where applicable, of the parents in the planning of activities and evaluation of service quality.

27. Thus, according to the achievement indicators of the user participation standard:

- The service provider has clear procedures for the child to express their opinion and participate in decision taking process that affect them at all stages of service delivery. These procedures are in line with the child's age and communication skills;
- The service provider creates conditions for the child to express their opinion on the quality of care by different means (by telephone, individual discussions, in writing etc.) and takes all the necessary measures to make sure that no child is punished for expressing their opinion. The social worker who manages the Service holds individual discussions with the child and their parents to improve the care provided to the child. These discussions are registered in the child's file;
- The social worker who manages the Service ensures that the child and their parents are informed about the actions taken as a result of consulting their opinion, as well as about the reasons for not taking into account their suggestions in case they are against the best interest of the child or are not relevant for the goal and objectives of the Service.

28. Another available service for making children's voice heard is the free Child's Helpline "No. 116-111" that (confidentially and, at people's request, anonymously) receives and refers notifications of child violence, neglect, exploitation and trafficking, provides consultation on the rights of the child, emotional support and psychological counseling to children and to their parents/careers, where necessary.

29. Many of the beneficiaries of residential social care institutions for adults have access to mobile phones that allow them to report to the administration of the institution, competent bodies in the field of prevention of violence, neglect and exploitation of any suspect case. These means of communications have been provided with the involvement and support of NGOs acting in the area of human rights. For the purpose of preventing cases of violence and ill-treatment, video surveillance cameras have been installed in most social care institutions for children and adults, under the management of the NSAA, for several years now.

30. In order to strengthen national legislation, the National Program on Sexual and Reproductive Health and Rights for the years 2018–2022 was developed and approved by the Government on May 16th, 2018. The draft Health Code, which includes a separate chapter on Mental Health, endorsed by foreign experts, is being drafted.

31. In order to ensure the access of women and girls with locomotor disabilities to sexual and reproductive health services, in 2017, for the first time, the Ministry of Health,

Labour and Social Protection, in partnership with the UNFPA and the Swiss Cooperation Office, have equipped 30 Youth-Friendly Health Centers with gynecological equipment adapted to this group of girls and women.

32. Additionally, between 2016 and 2017, the Reproductive Health Training Center (CIDSR), with the financial support of the Embassy of Finland in Bucharest, implemented the project "All Equal, All Healthy: Empowering disabled women and girls in Moldova to exercise their sexual and family reproductive rights". The aim of the project was to raise awareness of the sexual and reproductive rights of women and girls with disabilities in Moldova and to empower them to exercise these rights and make correct (informed) decisions about their own sexuality. Within the project's framework, the following actions have been implemented: "ToT" training for 15 disabled girls was held to strengthen their capacity to exercise sexual and reproductive rights; the existing Call Center of the CIDSR has been extended to provide immediate assistance (by providing the right information, details of the health facilities they are entitled to access) to women, and girls with disabilities who need this assistance, or intermediaries etc.

33. Currently, the draft of the National Deinstitutionalization Program is being finalized, which will focus on the process of deinstitutionalization of people with intellectual and psychosocial disabilities in residential institutions, by providing social services at community level, transforming residential institutions into regional centers responsible to develop and provide alternative services at the community level. It is worth mentioning that one of the priorities of the Government agenda remains the fulfillment of the process of deinstitutionalization of people with disabilities from residential institutions by offering social services at community level.

Paragraph 28

The State party should take concrete steps to improve conditions in prisons and detention facilities in line with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In that regard, the State party should consider not only the construction of new prison facilities, but also the wider application of alternative non-custodial sentences, such as electronic monitoring, parole and community service.

34. The current Moldovan penitentiary architecture (according to the soviet standards) supposes mainly the detention of inmates in large dwelling areas without the possibility to isolate them in small areas in order to ensure separation of detainees under detention regimes. Thus, taken the present conditions, penitentiaries primarily fulfill their objective to isolate the detainees from the society and hardly fulfill their duty to ensure pro-social change of behavior and decent human rights standards for the inmates. According to the National Prison Administration decision No. 95 of September 22, 2017 on the assessment of the accommodation capacity of the detainees in the penitentiary system, the detention limit and the capacity of the detention facilities per inmate was revised. The latest figures show that currently 6735 detainees within the penitentiary institutions can be placed in conditions of 4m^2, compared to 7409 detainees registered in June 2018. However, taking into account the necessity of internal distribution of the detainees by separate categories, under the provisions of Article 205 of the Execution Code, about half of the total number of detainees is placed in overcrowded conditions. Subsequently, concrete measures were adopted to create new detention facilities. Thus, 65 new detention cells were created using the premises that had another destination within the territory of the prisons: No. 1 – Taraclia, No. 3 – Leova, No. 4 – Cricova, No. 5 – Cahul, No. 6 – Soroca, No. 7 – Rusca, No. 8 – Bender, No. 9 – Pruncul, No. 10 – Goian and No. 15 – Cricova. Within Penitentiary No. 6 – Soroca and No. 13 – Chişinău, 2 cells were adapted to the needs of detainees with locomotor disabilities.

35. During 2017, in order to improve detention conditions, capital and current construction works in penitentiary facilities were carried out, as well as other measures initiated. Referring to the capital and current repairs:

- Prison No. 9 – Pruncul: finished the construction and equipment works of a therapeutic unit for the drug addicted inmates; finished the works of the sector No. 5

(right wing) divided in a cell system, elaborated the documentation of preplanning of the sector No. 5 (left wing) in order to create new detention spaces and respectively a hygiene area; carried out works of capital repair of the canteen;

- Prisons No. 13 – Chisinau and No. 6 – Soroca: performed substantial works in order to improve the general conditions of detention;
- Penitentiary No. 10 – Goian: carried out works of capital repairs. The object represents reconstruction of three blocks: Block A – block of detention for about 95 detainees, Block B – block for the training process of juvenile detainees, Block C – medical block, construction of a multifunctional sports field, boiler house, replacement of the engineering networks (water, sewerage, electrification, rehabilitation of the power transformation substation), construction of purification stations of wastewater and rainfall waters. The execution level has achieved 58.7%;
- Penitentiary No. 2 – Lipcani: opened a new living sector for about 100 inmates;
- Penitentiary No. 3 – Leova: general reconstruction works are currently performed. The objective represents a detention block for 110 inmates, this include a solid fuel boiler house, engineering networks for heating and power supply, walk yards with a mini sports field, and mounting a tower for drinking water. Currently, the execution level of the project has achieved 82.4%;
- Construction of the arrest house in Balti with a total capacity of 650 seats (level I). It is a complex object, consisting of four detention facilities with bordering spaces and a connecting tower. At present, two detention blocks and the connecting tower are completed, and two detention blocks are in process. The execution level is 24.7%.

36. By the end of the current year (2018), in order to improve detention conditions in prisons, are planned to be purchased construction materials in a total amount of 700 thousand MDL. Also, according to the Multiannual Capital Investment Program for the period 2019–2021 of the National Prison Administration, the priorities of the penitentiary system for capital investments were established, as follows:

- Reconstruction of a 300-seats sector in Penitentiary No. 5 – Cahul;
- Reconstruction of 2 building blocks in Penitentiary No. 17 – Rezina;
- Rehabilitation and/or construction of external and internal safety fences and installations, with the construction of new guard towers in all penitentiaries;
- Initiation of the construction of a new penitentiary to substitute the Penitentiary No. 6 – Soroca;
- Ensuring security within the Penitentiary nr. 18 – Branesti and the division of the living sectors from large spaces into smaller spaces (4 sectors).

37. The National Human Rights Action Plan for the period 2018–2022 includes measures/actions in respect to the allocation of the necessary financial resources for current repairs in penitentiaries, as well as to improve the conditions of detention and the prison infrastructure according to the European standards: good hygiene conditions, ventilation, adequate sanitary facilities, bed linen and clean mattresses, sufficient access to natural light and artificial light, etc.

38. Among other current sectoral priorities concerning the detention conditions, in order to align them to the standards of the United Nations Standard Minimum Rules for the Treatment of Prisoners, is the implementation of the new penitentiary construction project in Chisinau. By Law No. 295 of December 12, 2013 the Framework Loan Agreement between the Republic of Moldova and the Council of Europe Development Bank (CEB) for the project regarding the construction of a new penitentiary in Chisinau, signed on October 10, 2013 was ratified. The funding plan (in million EUR) according to the agreement:

Loan from CEB	EUR 39.0 million
Grant from CEB	EUR 1.0 million
Government Contribution	EUR 4.5 million
TOTAL	**EUR 44.5 million**

39. Following the latest estimations, presented by the Design Company on the construction costs for the new penitentiary, these represent 48.367.185,00 EUR, about 5% (10.767.185,00 EUR) higher the amount foreseen in the Framework Loan Agreement, expenses for furniture and equipment procurement are included (total amount of 2.659.185,00 EUR). The total envisaged capacity of the new penitentiary in Chisinau is of 1536 detainees. By decision of the Ministry of Finance of September 20, 2017, the allowances will be foreseen in the state budget to cover the increasing construction costs so to ensure the continuity of the penitentiary construction process. According to the latest evaluations of the Works Schedule undertaken by the Design Company, jointly with the Project Implementation Unit, the tender for contracting the Construction Company to execute the works for the new penitentiary center in Chisinau has to be performed in the third (3rd) quarter of 2018. According to the provisions of the Feasibility Study, the construction works are planned to be carried out over a 20-months period. By joint decision of the contracting parties, the implementation period according to the Framework Loan Agreement was agreed to be extended for 12 months, until June 30, 2019. The future penitentiary will ensure compliance with the European Penitentiary Rules and the recommendations of the international institutions.

40. All the detainees are provided with the minimum necessary for living (bed linen, objects of basic necessity, hygiene items and other essentials as needed) as well as with hot meals three times a day, free of charge, at the expense of the state budget. The preset rules are provided for by the: Government Decision No. 609 of May 29, 2006 including the rules for special categories of prisoners who require different food rations. Respective features are taken into account when estimating the needs for forming both the budget and at the distribution of food for cooking the meals. The organization of the nutrition of the inmates in prisons is also regulated by Order of the Minister of Justice No. 512 of December 26, and the Order of the Minister of Justice No. 100 of March 7, 2007 on the approval of the nutrition norms of the prisoners for exceptional cases when the supply of prisoners with hot food is not possible, including the rules of substitution of food products by other products.

41. Medical care in penitentiaries shall be granted whenever necessary or upon request by qualified personnel, free of charge, according to the provisions of the "Regulation on the provision of medical assistance to prisoners", approved by Order of the Minister of Justice No. 478 of December 15, 2006. The quantity of medical assistance for detainees is similar to that provided by the national compulsory health insurance program. Patients' registration and medical assistance are provided in the medical unit within the penitentiary institution. The decision on stationary treatment in the penitentiary hospitals is taken based on the recommendations of the doctors of the medical unit in the penitentiaries, the transfer being carried out according to the general procedure for the transfer of detainees, provided for by the legislation.

42. Prophylactic medical examinations for detainees are carried out by the doctors of the medical unit, assisted by the specialists of the penitentiary hospital. The compulsory medical check-up consists of the therapist, psychiatrist and dentist. The results of the prophylactic medical examination are recorded in the personal medical card of the detainee. The provision of medical and consultative assistance in the public health and sanitary institutions, subordinated to the Ministry of Health, Labor and Social Protection, is performed under the concluded agreements. In order to achieve the objectives, and to ensure the qualified medical assistance for the detainees in the penitentiary institutions as well as to ensure the training of the medical staff, the National Prison Administration has concluded 16 agreements with public medical and sanitary institutions (total amount of 1 301 918 MDL). For the consultations and psychiatric treatment – an agreement with the Public Health Sanitary Institution the Clinical Hospital of Psychiatry concluded.

Examination of detainees in public and private institutions on their own expenses is carried out according to the provisions of the Enforcement Code and the Order of the Department of Penitentiary Institutions (Currently National Prison Administration) No. 115 of April 4, 2017 on the procedure of escorting detainees to public medical institutions on their own account. According to the international recommendations, the mandatory radiological examination of all prisoners is carried out at the stage of their placement in the penitentiary system. Thus, all inmates suffering from tuberculosis receive medical assistance and treatment according to Order No. 278 of July 17, 2007 on approving the "Regulation on treatment and conduct of TB prisoners" and "National Tuberculosis Control Program for 2016–2020", which provides for the measures to detect, isolate and transfer to the penitentiary hospital for treatment.

43. According to the statistical data, the overall incidence of tuberculosis cases registered in the penitentiary system in 2017 is 70 cases compared to 109 cases recorded in 2016 and 99 cases in 2015. The treatment of TB patients is ensured through standardized programs according to the Strategy DOTS and DOTS +. The Line II medical insurance is also provided with the support of the Global Fund, the line I drugs are purchased, since 2013, from the state budget.

44. The organization of the epidemiological health status in the penitentiary institutions is monitored under the provisions of the Order No. 141d of August 22, 2016 "On the organization of the surveillance activity of the sanitary-epidemiological state in the penitentiary institutions of the Ministry of Justice". Under the provisions of article 89 of the Statute of punishment execution by convicts, approved by Government Decision No. 583 of 26.05.2006, the inmates are obliged to comply with the sanitary and hygienic rules and of personal hygiene, to permanently maintain the cleanliness in the premises of detention, in cells, and to air daily the rooms where they are detained.

45. All penitentiaries are provided with medication within the allocated budget limit. In each penitentiary, drugs are distributed according to the expressed needs. The total amount allocated annually for the health care expenses is about 3.5 million lei and is intended to cover both the medical services contracted by the Ministry of Health, Labour and Social Protection the purchase of medicines as well as other costs. During 2017, drugs were purchased in a total amount of 3 231 308 MDL and distributed in the penitentiary institutions according to the expressed needs. According to the latest data of the National Prison Administration, the daily amount spent for food per inmate consists of 13.99 MDL, and 2.26 MDL for health care services.

46. Republic of Moldova has been comitted during last few years to intensively promote the alternative measures to detention, with particular accent to community involvement in the process of re-socialization of the offenders. An increased attention was paid to the capacity of the probation service in order to raise its potential to carry the role for the psychosocial assessment, control of the persons in conflict with the criminal law and their re-socialization, adaptation of the liberated persons from the places of detention, prevent the commission of new crimes. These tasks have been determined by the recommendations of the Committee of Ministers of the Council of Europe, including: Recommendation 914 (1981), Recommendation R-22 (2000), Resolution No. (76) 10 on certain alternative penal measures to imprisonment.

47. According to the Law No. 8 of February 14, 2008 on probation, the extended application of non-custodial sentences currently is carried out for:

- Persons released from criminal punishment before term;
- Persons sentenced to community service;
- Persons convicted to conditional suspension of execution of punishment;
- Persons sentenced to electronic monitoring.

48. The electronic monitoring was provided for in the Moldovan legislation by Law No. 138 of December 3, 2015 on amending and completing the Law No 8 of February 14, 2008 on probation and the Enforcement Code of the Republic of Moldova. By Government Decision No. 1322 of December 08, 2016 the Regulation on electronic monitoring of

persons convicted for offenses was approved, and by Law No. 163 of July 20, 2017 on amending and completing some legislative acts[4] the electronic monitoring was extended over the preventive measures as well. Respective actions were envisaged in the provisions of the Action plan for implementing the Justice Sector Reform Strategy for 2011–2016.[5] Respectively, the number of electronically monitored probation subjects started to raise (from the average of 10 persons in 2017 to 66 electronically monitored subjects during the first Semester of 2018), thus protecting the community by reducing the risk of committing crimes by people in conflict with the criminal law, so that the efficiency of the criminal justice system and the achievement of the purpose of the criminal punishment were increased.

49. By Law No. 163/2017 the criminal penalties were humanized, and a new criminal punishment – "conviction to conditional suspension of execution of punishment" was introduced. This allowed a better individualization of the criminal punishment, especially in cases of extraordinary mitigating circumstances, where a prison sentence is imposed on the offense. On the other hand, this tool is very useful in reducing the relapse rate.

50. Consequently, the conditional release mechanism has been simplified, which has encouraged detainees to participate in activities aimed at reducing crime, such as cognitive programs. Early release can be adjusted to individual needs by deciding on additional conditions to early release. As a result, the number of detainees released before term has increased (from 420 persons in June 2017 to 502 in June 2018).

51. More significant progress was made by the Republic of Moldova in the application of unpaid community work as an alternative measure to detention. Here can be exemplified the measures of repealing the fine for drink driving convicted persons and replacing by applying the punishment of unpaid community work, including the obligation to participate in the anti-alcohol and anti-drug probation program. As a result, the number of people sentenced to unpaid community work increased significantly (from 701 in June 2017 – to 1072 in June 2018).

52. Beginning with 2017 the National Probation Inspectorate, jointly with the international partners is implementing a rehabilitation program Drink & Drive which is expected to bring a significant contribution to the awareness raising upon the committed offenses and reduce their number during long term.

53. According to the latest data of the National Probation Inspectorate, it realizes its oversight in respect to: persons released from criminal punishment before term – 468 subjects; persons sentenced to community service – 920 subjects; persons convicted to conditional suspension of execution of punishment – 4619 subjects; and 30 subjects of the electronic monitoring.

54. The national probation system promotes a Communication Strategy for the period 2015–2020 dedicated to inform target groups on the role of the probation service and raise public awareness in understanding the benefits of the society as a whole. In order to achieve the overall objective of the Communication Strategy, the probation system optimizes external and internal communication through specific target groups and increases the coverage through community involvement as well as through various media and communication channels.

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[4] Official Monitor of the Republic of Moldova No. 364-370 of October 20, 2017.

[5] Law No. 231 of November 25, 2011 on approving the Justice Sector Reform Strategy (JSRS) for 2011–2016 and the Parliament Decision No. 6 of February 16, 2012 on approving the Action Plan for the Implementation of JSRS.